

SCHULMANBHATTACHARYA

6116 Executive Boulevard, Suite 425, North Bethesda, Maryland 20852 240.356.8550

JEFFREY S. GAVENMAN

direct dial 240.356.8553 email jgavenman@schulmanbh.com

December 23, 2021

VIA CM/ECF and EMAIL

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: *Cheng v. Guo*, Case No. 1:20-cv-05678-KPF
Letter Motion to File Documents Under Seal

Dear Judge Failla:

This firm represents Defendant Wengui Guo (“Defendant”) in the above-captioned case. We write to respectfully request that this Court accept for filing under seal, pursuant to Rule 9 of Your Honor’s Individual Rules of Practice in Civil Cases and this Court’s Order of November 22, 2021 (“the Order”) (ECF No. 82), the relevant portions of Defendant’s Memorandum of Law in Support of His Motion for Partial Summary Judgment and in Opposition to Plaintiff’s Motion for Partial Summary Judgment (“the Motion”) and the accompanying documents described below.

On November 18, 2021, Plaintiff Logan Cheng (“Plaintiff”) filed a Letter Motion to File Documents Under Seal (“Letter Motion”) (ECF No. 80) contemporaneously with his Motion for Partial Summary Judgment. ECF Nos. 78-79. The Court granted Plaintiff’s Letter Motion. ECF No. 82. Pursuant to that Order, the Court sealed:

(1) the transcript of the deposition of Yanping Wang, the Corporate Representative of Golden Spring New York, Ltd.; (2) page 31, lines 7-10 of the transcript of the deposition of Logan Cheng; (3) bank records produced by Golden Spring New York, Ltd., a third party; and (4) an unredacted copy of Plaintiff’s Memorandum in Support of His Motion for Partial Summary Judgment and Plaintiff’s Rule 56.1 Statement of Material Facts referencing these documents.

ECF No. 82 at 1. Defendant’s Motion and Response to Plaintiff’s Local Rule 56.1 Statement (“the Response”) incorporate the same portions of Yanping Wang’s deposition transcript, Plaintiff Logan Cheng’s deposition transcript, and Plaintiff’s Statement of Material Facts that the Court sealed under the Order. Moreover, as Plaintiff noted in his Letter Motion, the information sought to be sealed has properly been designated “Confidential” or “Attorneys’ Eyes Only” pursuant to the Stipulated Protected Order entered in this case. *See* ECF No. 33.

In granting Plaintiff’s Letter Motion, the Court considered the potential harm to the parties

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from disclosure of the sensitive information, along with the public's interest in the documents to be sealed, and found that good cause exists to seal the sensitive information contained in the above-referenced documents. *See* ECF No. 82 at 2. As Defendant's Motion and Response incorporate precisely the same information from these documents, the same good cause exists to seal those portions of Defendant's submissions.

Therefore, Defendant respectfully requests that the Court accept for filing under seal: (1) page 31, lines 7-10 of the transcript of the deposition of Logan Cheng; (2) an unredacted copy of Defendant's Motion; and (3) an unredacted copy of Defendant's Response to Plaintiff's Local Rule 56.1 Statement.

Sincerely yours,

/s/ Jeffrey S. Gavenman
Jeffrey S. Gavenman

Counsel for Defendant Wengui Guo

Cc: Counsel of Record (via CM/ECF)

Application GRANTED. The Clerk of Court is directed to file the documents at docket number 86 under seal, visible to the Court and parties only. The Clerk of Court is further directed to terminate the pending motion at docket number 85.

Dated: December 27, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE